

2017 -- H 5305

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY --
JUDGMENTS, ORDERS AND DECREES -- INTEREST ON JUDGMENTS

Introduced By: Representative Joseph M. McNamara

Date Introduced: February 01, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-21-10 of the General Laws in Chapter 9-21 entitled "Judgments,
2 Orders, and Decrees" is hereby amended to read as follows:

3 **9-21-10. Interest in civil actions.**

4 ~~(a)~~ In any civil action in which a verdict is rendered or a decision made for pecuniary
5 damages, there shall be added by the clerk of the court to the amount of damages interest at the
6 rate of twelve percent (12%) per annum thereon from the date ~~the cause of action accrued~~ of the
7 filing of the civil action, which shall be included in the judgment entered therein. Post-judgment
8 interest shall be calculated at the rate of twelve percent (12%) per annum and accrue on both the
9 principal amount of the judgment and the prejudgment interest entered therein. This section shall
10 not apply until entry of judgment or to any contractual obligation where interest is already
11 provided.

12 ~~(b) Subsection (a) shall not apply in any action filed on or after January 1, 1987, for~~
13 ~~personal injury or wrongful death filed against a licensed physician, hospital, clinic, health~~
14 ~~maintenance organization, professional service corporation providing health care services, dentist,~~
15 ~~or dental hygienist based on professional negligence. In all such medical malpractice actions in~~
16 ~~which a verdict is rendered or a decision made for pecuniary damages, there shall be added by the~~
17 ~~clerk of the court to the amount of damages interest at the rate of twelve percent (12%) per annum~~
18 ~~thereon from the date of written notice of the claim by the claimant or his or her representative to~~

1 ~~the malpractice liability insurer, or to the medical or dental health care provider or the filing of~~
2 ~~the civil action, whichever first occurs.~~

3 SECTION 2. This act shall take effect on January 1, 2018.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY --
JUDGMENTS, ORDERS AND DECREES -- INTEREST ON JUDGMENTS

1 This act would provide that interest on judgments would accrue from the date of the
2 filing of the civil action and not the date the cause of action accrued. This would also apply to
3 medical malpractice claims by repealing the section which provides that interest on the claim
4 would run from the date of notice of the claim to the liability insurer or healthcare provider.

5 This act would take effect on January 1, 2018.

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